

REMARKS/ARGUMENTS

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith. The present amendment is being made to facilitate prosecution of the application.

I. STATUS OF THE CLAIMS AND FORMAL MATTERS

Claims 1, 3, 5-10 and 15-19 are pending. Claims 1, 5-7, 9-10, 15, and 18-19, which are independent, are hereby amended. Support for this amendment is provided throughout the Specification as originally filed, and specifically at paragraphs [0130] and [0131] and Figures 11 and 12.

No new matter has been introduced by this amendment. Changes to the claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

II. REJECTIONS UNDER 35 U.S.C. §112

Claims 5, 6, 9, 10, and 15-19, which were rejected under 35 U.S.C. §112, second paragraph, as allegedly indefinite are amended herein, obviating the rejection.

III. REJECTIONS UNDER 35 U.S.C. §103(a)

Claims 1, 3, 5, and 6 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent No. 6,898,762 to Ellis, et al. (hereinafter, merely “Ellis”) in view of U.S. Patent No. 5,036,537 to Jeffers et al. (hereinafter, merely “Jeffers”).

Claims 7-10 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent No. 6,072,983 to Klosterman (hereinafter, merely “Klosterman ‘983”) in view of Jeffers.

Claims 15, 16, 18, and 19 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent No. 5,940,073 to Klosterman (hereinafter, merely “Klosterman ‘073”) in view of Jeffers.

Claim 17 was rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Klosterman ‘073 in view of Jeffers and further in view of Klosterman ‘983.

IV. RESPONSE TO REJECTIONS

Claim 1 recites, *inter alia*:

“...**checking whether the selected channel is already set as a channel of reception and then comparing a user set territory of residence to a broadcast territory where the user is residing, and then verifying whether or not the selected channel is receivable based on the checking and comparing steps**

wherein the output information controlling means generates a program table including selected program data that is currently being transmitted;

display means for displaying the program data that is currently being transmitted on a portion of the display means such that the portion of the display means displays titles of the programs aired at the current time and numbers indicating the channel numbers on which the programs are aired.” (Emphasis Added)

The recitation in claim 1, as well as similar recitations in the other independent claims, is described in the present application at paragraphs [0130] and [0131], which state:

[0130]That is, on retrieving the programs now on air from the data of the electronic program guide stored in the EEPROM 304, the CPU 301 forms the programs as a program table, which then is stored in the RAM 303. The CPU 301 outputs the electronic program guide stored in the RAM 303 to the LDC 125 for display.

[0131] This causes a picture shown in FIG. 12 to be displayed on the LCD 125. In this instance of display, the size of the window 41 is made smaller than the state shown in FIG. 7 and a window 51 is placed to the right of the window 41. In a display area 61 of the window 51, the titles of the programs aired at the current time are displayed. In a display area 62 to the right side of the display area 61, the numbers indicating the channel numbers on which the programs are aired are demonstrated in the display area.

Thus, as recited in claim 1, the present invention provides displaying of programs, that are currently being aired in a “split-screen” that enables viewers the ability to see, in a smaller section of the screen, other programs that are available for viewing.

Applicants note that the Office Action relies on Jeffers to describe verifying whether the program selected is a program that can be received as a basis for rejection of all independent claims. Indeed, Applicants submit that Jeffers is directed to method for preventing the display of selected programming by designated receiver units. It is particularly adaptable for use in simultaneously blacking out particular programs in designated geographic areas.

Applicants submit that the Jeffers system teaches away from the present system, as recited in claim 1 since claim 1, as amended, specifically recites that **programs that may be available are displayed to a user**, while Jeffers specifically states that all programs are blocked out. Therefore, the Jeffers system offers a completely different solution to restricting access to television programs. Indeed, **the point of the Jeffers system is black out a particular program upon the receipt of a given program tier indication associated with the program.**

(See Jeffers column 12, lines 43-48)

This is clearly illustrated because claim 1 recites “display means for displaying the program data that is currently being transmitted on a portion of the display means such that the portion of the display means displays titles of the programs aired at the current time and numbers indicating the channel numbers on which the programs are aired” (see claim 1). On the contrary, Jeffers describes:

“[e]ach program is transmitted in association with a program tier indication. If the program is to be blacked out in a particular geographic area represented by a given designation code, the program tier indication will match the blackout tier indication previously stored in all receiver units having that stored designation code. Upon receiving a program, each receiver unit compares the program tier indication transmitted therewith and the blackout tier indication in its blackout bit map memory. If the indications match, the program cannot be displayed. Otherwise, the program is displayed as usual. Thus, all receivers in a selected geographic area will be blacked out to be prevented from displaying the program.” (See Jeffers, column 7, lines 50-65)

Thus, not only is Jeffers lacking disclosure to serve as a proper basis of rejection, Jeffers teaches away from the present invention. Therefore, Applicants respectfully request the rejection based on Jeffers be withdrawn.

For reason similar to those recited above, claims 5-7, 9-10, 15, and 18-19 are also patentable.

V. DEPENDENT CLAIMS

The other claims in this application are each dependent from one of the independent claims discussed above and are therefore patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

Similarly, because Applicants maintain that all claims are allowable for at least the reasons presented hereinabove, in the interests of brevity, this response does not comment on each and every comment made by the Examiner in the Office Action. This should not be taken as acquiescence of the substance of those comments, and Applicants reserve the right to address such comments.

CONCLUSION

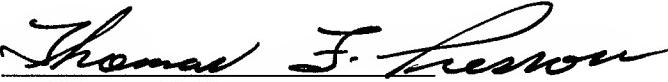
In the event the Examiner disagrees with any of statements appearing above with respect to the disclosure in the cited references, it is respectfully requested that the Examiner specifically indicate those portions of the references providing the basis for a contrary view.

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

Applicants respectfully submit that all of the claims are in condition for allowance and request early passage to issue of the present application.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP
Attorneys for Applicants

By 
Thomas F. Presson
Reg. No. 41,442
(212) 588-0800